

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

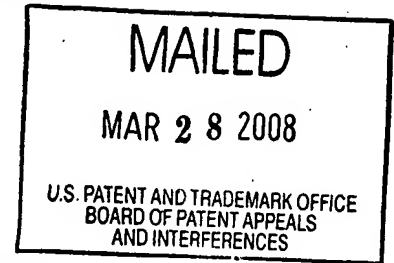
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Ex parte: TEDDY KOSOGLOU, RUDY J. RESS, JOHN T. STRONY,  
ENRICO P. VELTRI and WILLIAM HAUER

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Application No. 10/057,339

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on March 19, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On August 28, 2007, the Board of Appeals and Interferences mailed an Order Returning Undocketed Appeal, advising the Examiner to consider the Information Disclosure Statements (IDS) dated August 26, 2002, August 23, 2002 and August 21, 2002. On September 26, 2007, the Examiner considered the Information Disclosure Statements as required.

**INFORMATION DISCLOSURE STATEMENT**

Further, Appellant filed an Information Disclosure Statement dated October 29, 2007. There is no indication on the record that the Examiner considered IDS.

MPEP § 609 requires the Examiner to consider any Information Disclosure Statement

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filed by Applicant if timely submitted. A written communication notifying appellant of the Examiner's consideration of the above Information Disclosure Statement is required.

**CONCLUSION**

Accordingly, it is

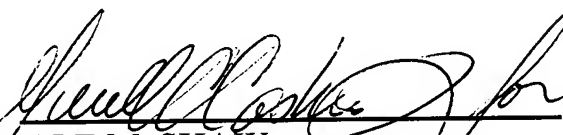
**ORDERED** that the application is returned to the Examiner to:

1) issue and mail a form PTOL-90 acknowledging the IDS filed October 29, 2007;

and

2) for any further action as deemed appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Chief Appeals Administrator  
(571) 272-9797

PJN/tsj

cc: SCHERING-PLOUGH CORPORATION  
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